

THURSDAY, MAY 5, 2011
THIRTY-FIRST LEGISLATIVE DAY

CALL TO ORDER

The Senate met at 9:00 a.m., and pursuant to Senate Rule of Order 3, was called to order by Madam Speaker Pro Tempore Woodson.

PRAYER

The proceedings were opened with prayer by Reverend Jim Barber of Buena Vista United Methodist Church and Sulfur Springs United Methodist Church in Bethel Springs, Tennessee, a guest of Senator Gresham.

PLEDGE OF ALLEGIANCE

Senator Gresham led the Senate in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 32

Senators present were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson and Yager--32.

COMMUNICATION

May 5, 2011

Mr. Russell Humphrey
Chief Clerk of the Senate
2nd Floor, Capitol
Nashville, TN 37243

Dear Mr. Humphrey:

I will be unable to attend the Senate Session on Thursday, May 5, 2011. Please excuse my absence and record this letter in the Senate Journal.

Sincerely,

/s/ Ronald L. Ramsey

STANDING COMMITTEE REPORTS

GOVERNMENT OPERATIONS

MR. SPEAKER: Your Committee on Government Operations begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 146 with amendment, 151

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with amendment, 152 with amendment, 153 with amendment, 155 with amendment, 156 with amendment, 169 with amendment, 174, 178 with amendment, 180 with amendment, 223 with amendment and 230 with amendment.

WATSON, Chairperson
May 4, 2011

The Speaker announced that he had referred Senate Bills Nos. 146 with amendment, 151 with amendment, 152 with amendment, 153 with amendment, 155 with amendment, 156 with amendment, 169 with amendment, 174, 178 with amendment, 180 with amendment, 223 with amendment and 230 with amendment to the Committee on Calendar.

EDUCATION

MR. SPEAKER: Your Committee on Education begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 61 with amendment, 252, 488 with amendment, 779, 823, 1366 with amendment, 1483 with amendment, 1602 and 1833 with amendment; also, recommend that Senate Bill No. 874 with amendment be referred to Committee on Finance, Ways and Means.

GRESHAM, Chairperson
May 4, 2011

The Speaker announced that he had referred Senate Bills Nos. 61 with amendment, 252, 488 with amendment, 779, 823, 1366 with amendment, 1483 with amendment, 1602 and 1833 with amendment to the Committee on Calendar.

The Speaker announced that he had referred Senate Bill No. 874 with amendment to the Committee on Finance, Ways and Means.

JUDICIARY

MR. SPEAKER: Your Committee on Judiciary begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 391, 480, 520 with amendment, 1016, 1051, 1086, 1197 with amendment, 1198 with amendment, 1535, 1845 with amendment, 1958 and 1990; also, recommend that Senate Bills Nos. 498, 633 and 837 with amendment; and Senate Joint Resolution No. 96 be referred to Committee on Finance, Ways and Means.

BEAVERS, Chairperson
May 4, 2011

The Speaker announced that he had referred Senate Bills Nos. 391, 480, 520 with amendment, 1016, 1051, 1086, 1197 with amendment, 1198 with amendment, 1535, 1845 with amendment, 1958 and 1990 to the Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 498, 633 and 837 with amendment; and Senate Joint Resolution No. 96 to the Committee on Finance, Ways and Means.

MOTION

Senator Beavers moved that Rule 83(8) be suspended for the purpose of placing **Senate Bill No. 943** on the calendar for the Committee on Judiciary for Tuesday, May 10, 2011, which motion prevailed.

REFERRAL OF BILLS

Madam Speaker Pro Tempore Woodson announced she had referred the following Senate Bill to the Committee on Delayed Bills: **Senate Bill No. 2114**.

MOTION

Senator Norris moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **House Bills Nos. 9, 30, 367, 401, 1147, 1151, 1565 and 1747** be passed on first consideration, which motion prevailed.

HOUSE BILLS ON FIRST CONSIDERATION

The Speaker announced that the following House Bills were transmitted to the Senate and passed first consideration:

House Bill No. 9 -- Education, Curriculum -- As introduced, rewrites requirement that LEAs must integrate minimum of 90 minutes physical activity per week to require LEAs to integrate 30 minutes of physical activity per school day for elementary and secondary school students. Amends TCA Title 49, Chapter 6.

House Bill No. 30 -- Tort Liability and Reform -- As introduced, limits liability of apiarists under certain circumstances. Amends TCA Title 44, Chapter 15.

House Bill No. 367 -- Teachers, Principals and School Personnel -- As introduced, allows the board of education to grant teachers tenure at any time between their third and tenth years of service; eliminates judicial review of decision to suspend or dismiss a teacher for incompetence, inefficiency, neglect of duty, unprofessional conduct or insubordination. Amends TCA Title 49.

House Bill No. 401 -- Criminal Procedure -- As introduced, enacts the "Exclusionary Rule Reform Act". Amends TCA Title 40, Chapter 6, Part 1.

House Bill No. 1147 -- Civil Procedure -- As introduced, requires the party who filed a petition to remove a case to federal court to pay all costs of the removal if the petition is granted. Amends TCA Title 8 and Title 20, Chapter 12.

House Bill No. 1151 -- Tort Liability and Reform -- As introduced, removes a statutory reference to notice provisions of the "Governmental Tort Liability Act" that are no longer in existence. Amends TCA Title 29, Chapter 20.

House Bill No. 1565 -- Gambling -- As introduced, permits uses of gambling devices or records by the manufacturer if those uses are ancillary to the manufacturing process. Amends TCA Title 39, Chapter 17.

House Bill No. 1747 -- Employees, Employers -- As introduced, enacts certain provisions concerning labor practices including right to secret ballots. Amends TCA Title 50.

MOTION

Senator Norris moved, pursuant to Rule 21, **Senate Joint Resolutions Nos. 327 and 328**; and **Senate Resolutions Nos. 45 and 46** be passed on first consideration and lie over, which motion prevailed.

INTRODUCTION OF RESOLUTIONS

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

Senate Joint Resolution No. 327 by Senator Marrero.

General Assembly, Statement of Intent or Position -- Urges President Barack Obama to select Booker T. Washington High School of Memphis as the 2011 Race to the Top High School Commencement Challenge winner.

Senate Joint Resolution No. 328 by Senator Yager.

General Assembly, Confirmation of Appointment -- Franklin J. "Jim" Bledsoe, Tennessee Wildlife Resources Commission.

Senate Resolution No. 45 by Senators Kyle and Finney.

General Assembly, Statement of Intent or Position -- Expresses sense of the Senate relative to redistricting.

Senate Resolution No. 46 by Senator Norris.

Memorials, Interns -- Caleb Mackenzie Tindell.

MOTION

Senator Norris moved, pursuant to Rule 21, **House Joint Resolutions Nos. 129, 359, 361, 363 through 368, 371, 372 and 387; Senate Joint Resolutions Nos. 314 through 324; and Senate Resolutions Nos. 36 through 44** lie over and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

RESOLUTIONS LYING OVER

The Speaker announced that the following resolutions passed second consideration and were referred to the appropriate committees or held on the desk, pursuant to Rule 21:

House Joint Resolution No. 129 -- Naming and Designating -- Designates Room 16A, Legislative Plaza as the "Ron Campbell Radio Broadcast Room".

The Speaker announced that he had referred House Joint Resolution No. 129 to the Committee on State and Local Government.

House Joint Resolution No. 359 -- Naming and Designating -- "Nurses Week", May 6-12, 2011.

The Speaker announced that he had referred House Joint Resolution No. 359 to the Committee on General Welfare, Health and Human Resources.

House Joint Resolution No. 361 -- Memorials, Retirement -- Dennis Anglin.

The Speaker announced that he had referred House Joint Resolution No. 361 to the Committee on Calendar.

House Joint Resolution No. 363 -- Memorials, Personal Occasion -- J.C. and Barbara Gholdston, 60th wedding anniversary.

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The Speaker announced that he had referred House Joint Resolution No. 363 to the Committee on Calendar.

House Joint Resolution No. 364 -- Memorials, Academic Achievement -- Jordan Marie Murphy, Valedictorian, Hickman County High School.

The Speaker announced that he had referred House Joint Resolution No. 364 to the Committee on Calendar.

House Joint Resolution No. 365 -- Memorials, Academic Achievement -- Betty Maxine Bloodworth, Salutatorian, Hickman County High School.

The Speaker announced that he had referred House Joint Resolution No. 365 to the Committee on Calendar.

House Joint Resolution No. 366 -- Memorials, Retirement -- Judith Ann Wheeler.

The Speaker announced that he had referred House Joint Resolution No. 366 to the Committee on Calendar.

House Joint Resolution No. 367 -- Memorials, Congratulations -- Future Problem Solvers, White House Middle School, State Champions.

The Speaker announced that he had referred House Joint Resolution No. 367 to the Committee on Calendar.

House Joint Resolution No. 368 -- Memorials, Sports -- Paul Coppedge.

The Speaker announced that he had referred House Joint Resolution No. 368 to the Committee on Calendar.

House Joint Resolution No. 371 -- Memorials, Professional Achievement -- Niswonger Foundation, 10th anniversary.

The Speaker announced that he had referred House Joint Resolution No. 371 to the Committee on Calendar.

House Joint Resolution No. 372 -- Memorials, Sports -- 2011 and 2012 NAIA Women's Golf National Championships.

The Speaker announced that he had referred House Joint Resolution No. 372 to the Committee on Calendar.

House Joint Resolution No. 387 -- Memorials, Recognition -- Colonel James M. Rushing.

The Speaker announced that he had referred House Joint Resolution No. 387 to the Committee on Calendar.

Senate Joint Resolution No. 314 -- Memorials, Academic Achievement -- Ronald Todd Roberts, Salutatorian, Mt. Juliet Christian Academy.

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The Speaker announced that he had referred Senate Joint Resolution No. 314 to the Committee on Calendar.

Senate Joint Resolution No. 315 -- General Assembly, Confirmation of Appointment -- Robert N. Hibbett, Tennessee Claims Commission.

The Speaker announced that he had referred Senate Joint Resolution No. 315 to the Committee on Judiciary.

Senate Joint Resolution No. 316 -- Memorials, Professional Achievement -- Melissa McMinn and Dogwood Pointe Assisted Living, 2010 Steve Marsh Pinnacle Award.

The Speaker announced that he had referred Senate Joint Resolution No. 316 to the Committee on Calendar.

Senate Joint Resolution No. 317 -- Memorials, Professional Achievement -- Ed Whitby, Milan Chamber of Commerce Man of the Year.

The Speaker announced that he had referred Senate Joint Resolution No. 317 to the Committee on Calendar.

Senate Joint Resolution No. 318 -- Memorials, Professional Achievement -- Debra Doss, Milan Chamber of Commerce Educator of the Year.

The Speaker announced that he had referred Senate Joint Resolution No. 318 to the Committee on Calendar.

Senate Joint Resolution No. 319 -- Memorials, Professional Achievement -- Joyce Doyle, Milan Chamber of Commerce Woman of the Year.

The Speaker announced that he had referred Senate Joint Resolution No. 319 to the Committee on Calendar.

Senate Joint Resolution No. 320 -- Memorials, Death -- Charles Harvey.

The Speaker announced that he had referred Senate Joint Resolution No. 320 to the Committee on Calendar.

Senate Joint Resolution No. 321 -- General Assembly, Confirmation of Appointment -- Jack E. Holder, State Forestry Commission.

The Speaker announced that he had referred Senate Joint Resolution No. 321 to the Committee on Environment, Conservation and Tourism.

Senate Joint Resolution No. 322 -- Memorials, Professional Achievement -- Hardin Medical Center, HOSA Award.

The Speaker announced that he had referred Senate Joint Resolution No. 322 to the Committee on Calendar.

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Senate Joint Resolution No. 323 -- Memorials, Recognition -- Kate Bowman, NPAL Female Youth of the Year.

The Speaker announced that he had referred Senate Joint Resolution No. 323 to the Committee on Calendar.

Senate Joint Resolution No. 324 -- Memorials, Professional Achievement -- John D. Lay, M.D.

The Speaker announced that he had referred Senate Joint Resolution No. 324 to the Committee on Calendar.

Senate Resolution No. 36 -- Memorials, Public Service -- Mary Ella Tidwell Vaughn.

The Speaker announced that he had referred Senate Resolution No. 36 to the Committee on Calendar.

Senate Resolution No. 37 -- Memorials, Death -- David Sills.

The Speaker announced that he had referred Senate Resolution No. 37 to the Committee on Calendar.

Senate Resolution No. 38 -- Memorials, Death -- Reola Virginia Finnie Kee.

The Speaker announced that he had referred Senate Resolution No. 38 to the Committee on Calendar.

Senate Resolution No. 39 -- Memorials, Death -- Tom Hurley.

The Speaker announced that he had referred Senate Resolution No. 39 to the Committee on Calendar.

Senate Resolution No. 40 -- Memorials, Death -- William Conrad "Bill" Powers.

The Speaker announced that he had referred Senate Resolution No. 40 to the Committee on Calendar.

Senate Resolution No. 41 -- Memorials, Death -- Bernie Sigler Moore.

The Speaker announced that he had referred Senate Resolution No. 41 to the Committee on Calendar.

Senate Resolution No. 42 -- Memorials, Heroism -- Jay Wright, Ruben Odle, and W. J. Shaw.

The Speaker announced that he had referred Senate Resolution No. 42 to the Committee on Calendar.

Senate Resolution No. 43 -- Memorials, Recognition -- Kayla-Ruby Arroyo, Miss Tennessee Junior National Teenager 2011.

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The Speaker announced that he had referred Senate Resolution No. 43 to the Committee on Calendar.

Senate Resolution No. 44 -- Memorials, Recognition -- Morgan Ann Mathis, Miss Tennessee National Teenager 2011.

The Speaker announced that he had referred Senate Resolution No. 44 to the Committee on Calendar.

NOTICES

MESSAGE FROM THE HOUSE

May 4, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 741, substituted for House Bill on same subject, amended, and passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 4, 2011

MR. SPEAKER: I am directed to return to the Senate, House Bills Nos. 257 and 671, as requested.

JOE MCCORD,
Chief Clerk.

CONSENT CALENDAR

House Joint Resolution No. 339 -- Memorials, Personal Occasion -- Mabel Hunter McDole, 100th birthday.

House Joint Resolution No. 341 -- Memorials, Academic Achievement -- Gennifer Michelle Goad, Salutatorian, Dickson County High School.

House Joint Resolution No. 342 -- Memorials, Academic Achievement -- Clifton Wade Long, Valedictorian, Dickson County High School.

House Joint Resolution No. 343 -- Memorials, Recognition -- Samuel L. Ford.

House Joint Resolution No. 344 -- Memorials, Academic Achievement -- Eathan J. Gentry, 2011 Stan and Thelma Plumlee Scholarship.

House Joint Resolution No. 345 -- Memorials, Retirement -- Dick Blackburn.

House Joint Resolution No. 349 -- Memorials, Death -- Bill Henard.

Senator Faulk moved that all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

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Ayes 32
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson and Yager--32.

A motion to reconsider was tabled.

CALENDAR

House Bill No. 965 -- Public Contracts -- As introduced, prohibits a modification, alteration, change or deletion to any bid specification or requirement within 48 hours of the bid opening or bid acceptance when a statute, ordinance, resolution, rule or regulation mandates the use of competitive bidding of any kind or nature by a state agency, county or municipal corporation. Amends TCA Title 12, Chapter 4, Part 1.

House Bill No. 965 passed its third and final consideration by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson and Yager--32.

A motion to reconsider was tabled.

Senate Bill No. 464 -- Orders of Protection -- As introduced, clarifies that order of protection issued pursuant to Title 36, Chapter 3, Part 6, may require respondent to immediately and temporarily vacate a residence shared with the petitioner pending a hearing on the matter. Amends TCA Title 36, Chapter 3, Part 6.

On motion, Senate Bill No. 464 was made to conform with **House Bill No. 415**.

On motion, House Bill No. 415, on same subject, was substituted for Senate Bill No. 464.

House Bill No. 415 passed its third and final consideration by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson and Yager--32.

A motion to reconsider was tabled.

Senate Bill No. 703 -- Food and Food Products -- As introduced, requires that honey sold or offered for sale in Tennessee must be labeled as 100 percent pure or not pure. Amends TCA Title 43; Title 44, Chapter 15, Part 1; Title 47, Chapter 18 and Title 53.

Senator Johnson moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting Section 1 and substituting the following:

SECTION 1. Tennessee Code Annotated, Title 53, is amended by adding the following as a new chapter:

53-15-101. All honey that is sold or offered for sale in this state shall be prominently labeled as being either one hundred percent (100%) pure honey or not pure honey. Only honey that contains no additives may be labeled as one hundred percent (100%) pure honey.

53-15-102. Nothing in this chapter shall be construed to require the Department of Agriculture to test, or cause to be tested, any honey.

53-15-103.

(a)(1) Any person who suffers an injury or death, or an ascertainable loss of money or property, as a result of a violation of this chapter, may bring an action individually to recover actual damages.

(2) The action may be brought in a court of competent jurisdiction in the county where the alleged violation took place or is taking place, or in the county in which such person resides, has such person's principal place of business, conducts, transacts, or has transacted business, or, if the person cannot be found in any of the foregoing locations, in the county in which such person can be found.

(b)(1) The trial court may award reasonable expenses, including court costs, discretionary costs and reasonable attorneys' fees to a plaintiff who prevails in a proceeding that is brought pursuant to this chapter.

(2) On termination of the proceeding, the trial court may require the plaintiff to pay any defendant's reasonable expenses, including court costs, discretionary costs and reasonable attorneys' fees, incurred in defending the proceeding if the court finds that the proceeding was commenced without reasonable cause.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 703**, as amended, passed its third and final consideration by the following vote:

Ayes 30
Noes 0

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Senators voting aye were: Barnes, Beavers, Bell, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson and Yager--30.

A motion to reconsider was tabled.

Senator Southerland moved that **Senate Bill No. 1284** be placed on the Calendar for Thursday, May 19, 2011, which motion prevailed.

Senate Bill No. 107 -- Unemployment Compensation -- As introduced, revises provisions governing eligibility for unemployment compensation for certain persons who provide certain services for an educational institution or its students. Amends TCA Section 50-7-302.

On motion, Senate Bill No. 107 was made to conform with **House Bill No. 123**.

On motion, House Bill No. 123, on same subject, was substituted for Senate Bill No. 107.

On motion of Senator Johnson, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 123** passed its third and final consideration by the following vote:

Ayes	29
Noes	1

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Ford, Gresham, Harper, Haynes, Henry, Johnson, Kelsey, Ketron, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson and Yager--29.

Senator voting no was: Herron--1.

A motion to reconsider was tabled.

House Bill No. 1819 -- Salaries and Benefits -- As introduced, allows an employer to offset an employee's wages if the employee owes the employer money that the employer loaned or advanced the employee. Amends TCA Title 26 and Title 50, as amended.

Senator Johnson moved that the Senate reconsider its action in adopting Senate Amendment No. 1 to **House Bill No. 1819**, as amended, which motion prevailed.

Senator Johnson moved that Amendment No. 1 be placed behind Amendment No. 2, which motion prevailed.

Senator Johnson moved to amend as follows:

AMENDMENT NO. 2

AMEND by adding the following language to the end of subsection (b) in Section 1:

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If an employee contests an amount owed pursuant to this subsection, then the employer may commence an appropriate civil action to recover the amount the employer alleges that the employee owes the employer.

On motion, Amendment No. 2 was adopted.

On motion of Senator Johnson, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 1819**, as amended, passed its third and final consideration by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson and Yager--32.

A motion to reconsider was tabled.

Senator Ketron moved that **Senate Bill No. 321** be rereferred to the Committee on Calendar, which motion prevailed.

Senate Bill No. 369 -- Highway Signs -- As introduced, designates "Steve Karas Memorial Transportation Management Center" in Chattanooga.

On motion, Senate Bill No. 369 was made to conform with **House Bill No. 220**.

On motion, House Bill No. 220, on same subject, was substituted for Senate Bill No. 369.

On motion of Senator McNally, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 220** passed its third and final consideration by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson and Yager--32.

A motion to reconsider was tabled.

Senator Crowe moved that **Senate Bill No. 522** be placed on the Calendar for Thursday, May 12, 2011, which motion prevailed.

Senate Bill No. 559 -- Criminal Procedure -- As introduced, enacts the "Exclusionary Rule Reform Act". Amends TCA Title 40, Chapter 6, Part 1.

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On motion, Senate Bill No. 559 was made to conform with **House Bill No. 401**.

On motion, House Bill No. 401, on same subject, was substituted for Senate Bill No. 559.

On motion of Senator Beavers, Amendment No. 1 was withdrawn.

On motion of Senator Beavers, Amendment No. 2 was withdrawn.

Thereupon, **House Bill No. 401** passed its third and final consideration by the following vote:

Ayes	26
Noes	4
Present, not voting . . .	1

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Gresham, Harper, Herron, Johnson, Kelsey, Ketron, Kyle, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Tate, Tracy, Watson, Woodson and Yager--26.

Senators voting no were: Finney, Haynes, Henry and Marrero--4.

Senator present and not voting was: Ford--1.

A motion to reconsider was tabled.

Senate Bill No. 607 -- Insurance, Health, Accident -- As introduced, mandates that group and individual insurance policies cover hearing aids for dependent children. Amends TCA Title 56.

On motion, Senate Bill No. 607 was made to conform with **House Bill No. 761**.

On motion, House Bill No. 761, on same subject, was substituted for Senate Bill No. 607.

On motion of Senator Johnson, Amendment No. 1 was withdrawn.

Senator Johnson moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting the language "shall prevent" in § 56-7-2368(d) in Section 1 and substituting instead the language "prevent".

On motion, Amendment No. 2 was adopted.

On motion of Senator Johnson, Amendment No. 3 was withdrawn.

Senator Overbey moved that **House Bill No. 761**, as amended, be moved three places down on the Calendar for today, which motion prevailed.

Senate Bill No. 764 -- Tort Liability and Reform -- As introduced, removes a statutory reference to notice provisions of the "Governmental Tort Liability Act" that are no longer in existence. Amends TCA Title 29, Chapter 20.

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Senator Norris declared Rule 13 on **Senate Bill No. 764**.

On motion, Senate Bill No. 764 was made to conform with **House Bill No. 1151**.

On motion, House Bill No. 1151, on same subject, was substituted for Senate Bill No. 764.

On motion of Senator Beavers, Amendment No. 1 was withdrawn.

Senator Beavers moved to amend as follows:

AMENDMENT NO. 2

AMEND by adding the following language to the end of subsection (d) in Section 2: Any such joint use agreement entered into shall contain notice of the immunity provided by this section.

On motion, Amendment No. 2 was adopted.

Senator Ketron moved that **House Bill No. 1151**, as amended, be placed on the Calendar for Thursday, May 12, 2011, which motion prevailed.

Senator Berke moved that **Senate Bill No. 803** be placed on the Calendar for Thursday, May 12, 2011, which motion prevailed.

Senate Bill No. 817 -- Hospitals and Healthcare Facilities -- As introduced, requires hospitals to have certain persons authenticate verbal orders. Amends TCA Title 68, Chapter 11, Part 3.

Senator Kyle declared Rule 13 on **Senate Bill No. 817**.

On motion, Senate Bill No. 817 was made to conform with **House Bill No. 829**.

On motion, House Bill No. 829, on same subject, was substituted for Senate Bill No. 817.

On motion of Senator Crowe, Amendment No. 1 was withdrawn.

On motion of Senator Crowe, Amendment No. 2 was withdrawn.

Senator Crowe moved to amend as follows:

AMENDMENT NO. 3

AMEND by deleting the language "responsible individual" in subdivision (a)(1) of the amendatory language of Section 1 and by substituting instead the language "authorized individual".

AND FURTHER AMEND by deleting the language "subdivision (a)(2)" from the amendatory language of subdivision (a)(2) of the amendatory language of Section 1 and by substituting instead the language "subdivision (a)(3)".

AND FURTHER AMEND by deleting the language "responsible individual" in the second sentence of subdivision (a)(3) of the amendatory language of Section 1 and by substituting instead the language "authorized individual".

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AND FURTHER AMEND by deleting the language "thirty (30)" in subdivision (a)(3) of the amendatory language of Section 1 and by substituting instead the language "fourteen (14)".

AND FURTHER AMEND by deleting the language "patient's discharge" in subdivision (a)(3) of the amendatory language of Section 1 and by substituting instead the language "verbal order".

On motion, Amendment No. 3 was adopted.

Thereupon, **House Bill No. 829**, as amended, passed its third and final consideration by the following vote:

Ayes	29
Noes	2
Present, not voting . . .	1

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson and Yager--29.

Senators voting no were: Campfield and Marrero--2.

Senator present and not voting was: Haynes--1.

A motion to reconsider was tabled.

FURTHER ACTION ON HOUSE BILL NO. 761, AS AMENDED

Thereupon, **House Bill No. 761**, as amended, passed its third and final consideration by the following vote:

Ayes	19
Noes	13

Senators voting aye were: Barnes, Berke, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Herron, Ketron, Kyle, Marrero, Overbey, Stewart, Summerville, Tate and Yager--19.

Senators voting no were: Beavers, Bell, Campfield, Henry, Johnson, Kelsey, McNally, Norris, Roberts, Southerland, Tracy, Watson and Woodson--13.

A motion to reconsider was tabled.

RECALL OF BILL

On motion of Senator McNally, **Senate Bills Nos. 247 and 544** were recalled from the Committee on Finance, Ways and Means.

REFERRAL OF BILL

Senator McNally moved that Senate Bills Nos. 247 and 544 be referred to the Committee on Calendar, which motion prevailed.

MOTION

Senator Watson moved that **House Bill No. 257** be rereferred to the Committee on Government Operations; and further moved that Rule 83(8) be suspended for the purpose of placing **House Bill No. 257** on the calendar for the Committee on Government Operations for Wednesday, May 11, 2011, which motion prevailed.

MOTION

Senator Yager moved that Rule 83(8) be suspended for the purpose of placing **Senate Bills Nos. 12, 55, 478, 632, 743, 953, 1038, 1152, 1165, 1215, 1224, 1243, 1273, 1325, 1360, 1476, 1828, 1829, 1836, 1951, 1959 and 2016; Senate Joint Resolution No. 276; and House Joint Resolution No. 192** on the calendar for the Committee on State and Local Government for Monday, May 9, 2011, which motion prevailed.

MOTION

Senator Norris moved that the Proposed Schedule for the week of May 9, 2011, be adopted and made the action of the Senate, which motion prevailed.

**TENNESSEE STATE SENATE
107th GENERAL ASSEMBLY**

**PROPOSED SCHEDULE
FOR THE WEEK OF MAY 9, 2011**

MONDAY – May 9

2:30 p.m.	State & Local Government Committee
5:00 p.m.	Session – Senate Chamber

TUESDAY – May 10

8:30 a.m. – 10:30 a.m.	Finance, Ways & Means Committee
10:30 a.m. – 12:30 p.m.	State & Local Government Committee
12:30 p.m. – 1:00 p.m.	Lunch
1:00 p.m. – 2:00 p.m.	Tax Sub-committee of Finance, Ways & Means Committee
2:00 p.m. – 5:00 p.m.	Judiciary Committee

WEDNESDAY – May 11

8:30 a.m.	Session – Senate Chamber
10:00 a.m. – 12:00 noon	Finance, Ways & Means Committee
12:00 noon – 12:30 p.m.	Lunch
12:30 p.m. – 3:00 p.m.	Judiciary Committee
3:00 p.m. – 5:00 p.m.	Government Operations Committee

THURSDAY – May 12

9:00 a.m.

Session – Senate Chamber

NOTE: Joint Government Operations Commerce, Labor & Transportation Sub-committee, Monday, May 9, 2011, at 1:00 p.m., Room 12 LP.

Fiscal Review Committee, Monday, May 9, 2011, at 2:00 p.m., Room 16 LP.

NOTICES

MESSAGE FROM THE HOUSE

May 5, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 219, substituted for House Bill on same subject, amended, and passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 5, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 220, substituted for House Bill on same subject, amended, and passed by the House.

JOE MCCORD,
Chief Clerk.

RECALL OF BILL

On motion of Senator Marrero, **Senate Joint Resolution No. 302** was recalled from the Committee on Calendar.

WITHDRAWAL OF BILL

On motion of Senator Marrero, Senate Joint Resolution No. 302 was withdrawn from the Senate.

MOTION

On motion of Senator Berke, his name was added as sponsor of **Senate Bill No. 369**.

On motion of Senator Overbey, his name was added as sponsor of **Senate Bills Nos. 522 and 817; and House Joint Resolution No. 344**.

On motion of Senator Watson, his name was added as prime sponsor of **Senate Bill No. 528**.

On motion of Senator McNally, his name was removed as sponsor of **Senate Bill No. 528**.

On motion of Senators Haynes, Stewart and Harper, their names were added as sponsors of **Senate Bill No. 607**.

THURSDAY, MAY 5, 2011 -- 31ST LEGISLATIVE DAY

On motion of Senator Stewart, his name was added as sponsor of **Senate Bill No. 1065**.

On motion of Senator Roberts, his name was added as sponsor of **House Joint Resolution No. 339**.

On motion of Senators Harper and Ford, their names were added as sponsors of **House Joint Resolution No. 343**.

On motion of Senators Herron, Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson and Yager, their names were added as sponsors of **House Joint Resolution No. 345**.

ENGROSSED BILLS

May 5, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bill No. 703, and find same correctly engrossed and ready for transmission to the House.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

May 5, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 386, 625, 696, 954 and 1169; passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 5, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 370 and 393, adopted, for the Senate's action.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 5, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 388, 389, 390, 391 and 392; adopted, for the Senate's action.

JOE MCCORD,
Chief Clerk.

THURSDAY, MAY 5, 2011 -- 31ST LEGISLATIVE DAY

MESSAGE FROM THE HOUSE

May 5, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 356 and 1271, substituted for House Bills on same subjects and passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 5, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 1213, substituted for House Bill on same subject and passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 5, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 1785 and 2009, substituted for House Bills on same subjects and passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 5, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 296, 297, 298, 299, 300, 301, 303, 304, 305, 306, 307, 325 and 326; concurred in by the House.

JOE MCCORD,
Chief Clerk.

ENROLLED BILLS

May 5, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Bills Nos. 356, 1213, 1271, 1785 and 2009; and find same correctly enrolled and ready for the signatures of the Speakers.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

ENROLLED BILLS

May 5, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Joint Resolutions Nos. 296, 297, 298, 299, 300, 301, 303, 304, 305, 306, 307, 325 and 326; and find same correctly enrolled and ready for the signatures of the Speakers.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

THURSDAY, MAY 5, 2011 -- 31ST LEGISLATIVE DAY

MESSAGE FROM THE HOUSE

May 5, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 773, 968 and 1498; for the signature of the Speaker.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 5, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 339, 341, 342, 343, 344, 345 and 349; for the signature of the Speaker.

JOE MCCORD,
Chief Clerk.

SIGNED

May 5, 2011

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 296, 297, 298, 299, 300, 301, 303, 304, 305, 306, 307, 325 and 326.

SIGNED

May 5, 2011

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 339, 341, 342, 343, 344, 345 and 349.

MESSAGE FROM THE HOUSE

May 5, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 296, 297, 298, 299, 300, 301, 303, 304, 305, 306, 307, 325 and 326; signed by the Speaker.

JOE MCCORD,
Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

May 5, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolutions Nos. 296, 297, 298, 299, 300, 301, 303, 304, 305, 306, 307, 325 and 326; for his action.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

THURSDAY, MAY 5, 2011 -- 31ST LEGISLATIVE DAY

MESSAGE FROM THE GOVERNOR

May 5, 2011

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Bills Nos. 31, 32, 162, 268, 407, 408, 549, 740, 750, 773, 831, 832, 1153, 1446, 1500, 1533, 1558, 1559, 1722, 1811, 1853 and 1921; with his approval.

HERBERT H. SLATERY III,
Counsel to the Governor.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR # 1**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, May 9, 2011: Senate Joint Resolutions Nos. 309, 310, 311, 312 and 313; and House Joint Resolutions Nos. 352, 353, 354, 355, 356, 357, 358 and 362.

This the 5th day of May, 2011.
MIKE FAULK, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR # 2**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, May 9, 2011: Senate Bills Nos. 21, 35, 391, 553, 779, 813, 814, 823, 849, 858, 981, 1016, 1022, 1051, 1086, 1535, 1602, 1721, 1990 and 2096; and Senate Joint Resolutions Nos. 169, 213 and 214.

This the 6th day of May, 2011.
MIKE FAULK, Chairperson.

REPORT OF COMMITTEE ON CALENDAR

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, May 9, 2011: Senate Bills Nos. 950, 1033, 1065, 1935, 49, 426, 756, 935, 1009, 1145, 1438, 1468, 1471, 1878, 365, 488, 1003, 1197, 1431, 1483, 1496, 1539, 1671, 1745, 1833, 1938, 2095, 551 and 763.

This the 6th day of May, 2011.
MIKE FAULK, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR
SENATE MESSAGE CALENDAR**

Pursuant to Rule 44, notice has been given on the following bills and they have been set on the Message Calendar for Monday, May 9, 2011: Senate Bills Nos. 509, 1055 and 1405.

This the 6th day of May, 2011.
MIKE FAULK, Chairperson.

THURSDAY, MAY 5, 2011 -- 31ST LEGISLATIVE DAY

ADJOURNMENT

Senator Norris moved the Senate adjourn until 5:00 p.m., Monday, May 9, 2011, which motion prevailed.